REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that claims 1-8 are pending, and that claims 1-8 are rejected.   In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103.   Thus, Applicants believe that all of these claims are now in condition for allowance.

I. AMENDMENT TO THE CLAIMS

As set forth above in the amendment to the claims, the Applicants amend independent claims 1, 4, 7 and 8.   Support for the amendment may be found throughout the present application's specification, abstract, drawings and originally-filed claims. *See, e.g., the present application,* at Figures 1 and 7-10 along with the portions of the specification that correspond thereto, including p. 6, l. 18 to p. 7, l. 10. The Applicants submit that no new matter has been added by way of the amendment to the claims.

II. RESPONSE TO REJECTION

A. Response to § 103(a) Rejection of Claims 1, 3, and 7

The Office rejected claims 1, 3, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Scala ("*Scala*") in view of U.S. Patent No. 7,092,999 issued to Levitan ("*Levitan*"). The Applicants respectfully traverse this rejection.

As set forth in the Office Action, the Office contended that the combination of *Scala* and *Levitan* teaches all of the claimed combination of elements of all the previously-pending (i.e., previously-presented and originally-filed) claims 1, 3 and 7. Citations to *Scala* and *Levitan* in support of the Office's contentions with respect to these claims are set forth in the Office Action.

The Applicants note that, with respect to the previously-pending claim 1, the Office cited to *Scala* for the proposition that it discloses, teaches and/or suggests the

claimed combination of elements *creating a series of content pages using a graphical user interface, delivering the series of content pages via the internet to a player at a cable headend, scheduling broadcast of the series of content pages, and broadcasting the series of content pages as a video signal over a cable channel.* To this end, the Office stated that *Scala* teaches (i) "'... production-sequences of sounds and images that flow like professional video ...;" and (ii) "that a production is defined by a script that specifies a series of events and their timing, that is made up of multiple content pages [...] where each content page can be composed of picture size, text, visuals, video, audio, etc" (emphasis in original). *Office Action*, at p. 3. The Office also stated that *Scala* teaches (i) "controlling and coordinating the distribution of productions to one or more remote Player stations"; (ii) "that the Players reside at a cable headend"; and (iii) "[the] productions are made up of multiple content pages that are controlled and run by scripts." *Id.*, at p. 6. The Applicants note that *Scala* states:

> "[t]here are two kinds of computer system in an InfoChannel installation: Master Stations and Player Stations. ...
>
> Player Stations (Players) are the systems that run the productions you create on the Master. It is the output of the Players that your audience actually sees. A Player is usually connected to one or more video monitors through a VGA-to-video converter, and speakers if the production uses sound. The Player has a modem, LAN, or null-modem connection to the Master, through which ScalaNet commands and data flow. Often Players are located in relatively inaccessible locations physically near the final output device, so the ability to do all software and data updating remotely is a tremendous savings in time and service costs" (emphasis added). *Scala*, at pp. 1-2, The InfoChannel architecture. Scala InfoChannel IC100 User Guide – Coordinating.

In addition, the Applicants note that Scala also states:

> Let's return to the cable TV example we started with. After successful trials of InfoChannel, your company decides to add more Players to handle other channels. This will be cost-effective because the company has multiple head-ends that mostly run the same programming.
>
> Your nine-channel system has three head-ends: one for the local city, one for the surrounding suburban area, and one for a more distant city. Each head-end has:

> • One channel that is a barker channel for your cable company <u>- the channels all play the same simple slideshow-style production</u> with information and phone numbers urging people to subscribe to additional pay channels.
>
> • <u>An information channel that displays weather data and current events</u>; in this case, the weather information is common to all the channels, but the current events for the distant city are different from the local urban and suburban channels.
>
> • <u>An advertising channel that runs a slideshow of advertisements for local businesses</u>. Each of the three channels carries different ads.
>
> In consulting your VAR, you decide that it is more convenient to use InfoChannel and send identical scripts <u>to a Player at each head-end than to transmit the video from one head-end to another</u>. ...
>
> Grouping the channels
>
> With multiple head-end locations that all need the same content, you can create a group for each feed so that all the <u>Players meant to *display*</u> the same content are in the same group" (emphasis added). *Id.*, at Chap 19 | p. 60-61.

The Applicants submit that, as can be readily discerned from the foregoing quotes and the rest of *Scala*, the "production sequences" output from a player ("*Scala's* player") to the headend are then transmitted from the headend as video (i.e., a television stream of video and audio)[1] via a cable channel for reproduction on a television (with or without an inter-disposed set-top box).

Notwithstanding the foregoing, the Office stated that *Levitan* for the proposition that it teaches the previously-pending combination of claimed elements *(i) wherein a portion of <u>at least one content page of the series of content pages</u> comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages; (ii) at the time of the scheduled broadcast of the series of content pages, automatically <u>using the player</u> to fetch updated content via the internet from an on-line content source unaffiliated with a*

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[1] The Applicants submit this is because implicit in the statement " ... you decide that it is more convenient to use InfoChannel and send identical scripts to a Player at each head-end <u>than to transmit **the video** from one head-end to another</u>" is that the a head-end forms **video** from production sequences output from the player in accordance with the scripts. And because the production sequences can include audio and visual content, the video (i.e., television stream) will include both audio and video.

party performing the delivering or the cable channel, (iii) automatically updating the updatable content with the updated content; and (iv) broadcasting the updated content as the video signal over the cable channel. To this end, the Office stated that *Levitan*:

(i)   "teaches updating of files {content pages}, by replacing previous files {content pages} with current ones. Since the content pages are updated, replacing previous versions, that means they can be updated after the time of creation since the original content page that was created is updated"; and

(ii)   "teaches the broadcast server {player} fetching updated content from the web servers {on-line content source}"

In view of these statements, the Applicants submit that the Office has equated the files disclosed in *Levitan* ("*Levitan's* files") as content pages, and the broadcast server of *Levitan* ("*Levitan's* broadcast server") as the player. The Applicants submit, however, *Levitan's* broadcast server and *Scala's* player are not the same. That is, *Scala's* player plays the production sequences to the headend, which in turn, broadcasts the production sequences as a television stream of audio and video, whereas *Levitan's* broadcast server does not play anything. Instead, *Levitan's* broadcast server merely provides <u>for download</u> to clients ("*Levitan's* clients") at an end of a broadcast channel <u>one or more files garnered from various sources via the internet</u>. To this end, the Applicants note that *Levitan* states:

"[t]he invention <u>is an Internet access system</u> that puts together interactivity of the Internet and congestion-free content delivery inherent in broadcast media in order to reduce delays in content presentation. <u>The system delivers any web object (web page, music file, video etc.) in two steps. First, a single copy of object is downloaded according to a standard Internet protocol into a server provided at a broadcast center no matter how many client computers have requested the object; then the copy is transmitted over a broadcast channel *according to a data broadcast protocol so that all clients could download it simultaneously*. A web object is transmitted as a flow of packets and the transmission is preceded with an announcement specifying a broadcast channel and a flow number</u>. The packet header contains a flow number and a destination address that could be a client address or a broadcast address, thereby enabling an efficient handling of both one-to-one and one-to-many transmissions. The system provides, when necessary, a protection of transmitted content against unauthorized reception by biding packets identity and transmitting packets of the same

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content over different, pseudorandomly changing channels" (emphasis added). *Levitan*, at abstract.

The Applicants note that *Levitan* also states:

> "[t]he broadcast server receives requests for Internet content from client computers via telephone and composes a selection **list of Internet files** that contains everything requested by clients and in addition, some other frequently requested files. The **server downloads the files** of the selection list from Web servers 4 via the Internet and **retransmits them in a broadcast manner** via a television medium such as cable, satellite or over-the-air terrestrial broadcast system. The server produces in advance an announcement of each file to be transmitted *so that **broadcast clients*** could automatically control channel selectors (tuner cards) connecting them to the television medium *for downloading those files* that are requested by their users" (emphasis added). *Id.*, at col. 4, ll. 20-32.

In addition, the Applicants note that *Levitan* further states:

> "FIG. 2 shows a block diagram of a home network with a broadcast client operating as the server of the network. The broadcast client 3 **is a cable box or a satellite receiver combined with a computer equipped with a high-capacity hard disk drive**. The broadcast client is connected to both television and telephone. It is connected to a TV set 5 in order to output both *conventional television programs* and *content delivered from Internet sources*. One or more desktop computers 7 with keyboards, printers and scanners are connected to the broadcast client via a home network 6, wired or wireless, and therefore, the desktops may be located anywhere in the home and do not need to be connected to television or telephone. The desktops don't need a large hard drive or any hard drive at all because they can use the huge storage of the broadcast client 3, which is their network server. They also don't need a large monitor and high quality speakers because TV set 5 is better for presenting rich media content" (emphasis added). *Id.*, at col. 7, ll. 1-18.

In view of the foregoing and the rest of *Levitan*, and especially in view of the distinction made by *Levitan* with respect to the *Levitan's* clients (i) being a cable box or satellite receiver *combined with* a computer, and (ii) being able to output "conventional television programs" and "content delivered from Internet sources", the Applicants submit that the *Levitan's* broadcast server merely services requests from *Levitan's* clients for internet files by obtaining and providing such files for download by the client (either passively or interactively). Thus, the Applicants submit that, unlike *Scala's* player that plays *Scala's* production sequences, *Levitan's* broadcast

server serves to *Levitan's* client one or more internet files for download, and it's *Levitan's* client (via the computer therein) that reproduces such files for presentation to user.

In addition, the Applicants submit that *Levitan* does not disclose that *Levitan's* broadcast server broadcasts a television stream. Instead, *Levitan* discloses:

> "[t]he server side of the data broadcast network is illustrated by FIG. 3. It comprises a number of computers at a television broadcast center connected in a local area network 11. The LAN is connected to the Internet via a router 12. Functionally the computers are divided into three groups: caching server 13, broadcast control server 14 and channel servers 15. The broadcast control server receives clients' requests for Internet content over a telephone line and composes a server selection list of Internet files containing all objects requested by clients and, in addition, some other frequently requested files. It passes the selection list to the caching server that download files included in the list from their origin servers connected to the Internet throughout the world. The broadcast control server decides at what time the files will be downloaded, how long stored in the caching server and to which channels directed for broadcast transmission. The function of channel sever 15 is reception of data from the caching server 13 and the broadcast control server 14, and forwarding the data to a television channel 18 to which the channel server is connected. …
>
> In the Internet access network described above, Internet content is delivered first to the broadcast server at a broadcast center according to the Internet protocol, known as TCP/IP, and **then to broadcast clients in the servicing area accordingly to a data broadcast protocol described below.** Note that it is a protocol for a new access system, not a revision of existing Internet standards.
>
> In any conventional data communication network including the Internet, a computer receives data because the data is sent to its network address. In a broadcast network such as radio and television, a receiver gets information because it is tuned to a channel over which the information is transmitted. The data broadcast protocol is designed in such a way to address the fundamental difference and, at the same time, to be as close as possible to the Internet protocol" (emphasis added). *Id.*, at col. 7, ll. 33-52, and col. 9, ll. 15-29.

The Applicants submit that, in view of the foregoing quote and the rest of *Levitan*, the data broadcast protocol disclosed by *Levitan* ("*Levitan's* data-broadcast protocol") is devised for transporting the internet files downloaded by *Levitan's* clients. Clearly, use of *Levitan's* data-broadcast protocol by *Levitan's* broadcast server to transport the internet files to *Levitan's* client does not cause *Levitan's*

broadcast server to **play** to the cable channel, as a television stream, any of the content of the files for download to *Levitan's* client.

The Applicants submit that combining the teachings of *Scala* with *Levitan* results in a system that includes (i) *Scala's* player that plays *Scala's* production sequences to cable TV headends, and (ii) *Levitan's* broadcast server that serves *Levitan's* client, via cable TV headends, one or more internet files for download and *Levitan's* client." *See Id.*, at col. 4, ll. 48-55. In other words, the combination of *Scala* and *Levitan* would not change systems and operations thereof of either *Scala* or *Levitan* in any synergistic way.

Moreover, the Applicants submit that Scala and Levitan, alone or combined, fail to disclose, teach and/or suggest the claimed combination of elements of each of the amended independent claims 1 and 7. To this end, the amended independent claim 1 now recites a claimed combination of elements *(i) creating a series of content pages using a graphical user interface, wherein at least a portion of at least one content page of the series of content pages comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages, and <u>wherein the series of content pages comprises content to be played by a player at a cable headend</u>, (ii) automatically updating the updatable content with the updated content, and (iii) <u>playing at the player to the cable headend, the series of content pages, including the updated content</u>.*

As admitted by the Office, Scala "does not explicitly teach wherein at least a portion of at least one content page comprises updatable content that is updatable at a time after creation of the at least one content page; at the time of the scheduled broadcast of the series of content pages, automatically using the player to fetch updated content via the internet from an on-line content source unaffiliated with a party performing the delivering or the cable channel; automatically updating the updatable content with the updated content; and broadcasting the updated content as the video signal over the cable channel." And as logically follows, the Applicants submit that *Scala* does not disclose, teach and/or suggest the claimed combination of elements *playing at the player to the cable headend, the series of content pages, including the updated content.* In addition, the Applicants submit that in light of the discussion above, *Levitan* does not disclose teach or suggest the claimed combination of elements *<u>wherein the series of content pages comprises content to be played by a player at a cable headend,</u> and/or <u>playing at the player to the cable</u>*

headend, the series of content pages, including the updated content. The Applicants submit that, as noted above, no reasonable combination of *Scala* and *Levitan* changes the systems and operations of either *Scala* or *Levitan*; and therefore, no reasonable combination of *Scala* and *Levitan* can disclose, teach or suggest the claimed combination of elements of each of the amended independent claims 1 and 7.

In light of the foregoing, the Applicants submit that *Scala* and *Levitan*, alone or combined, fail to disclose, teach and/or suggest at least one of and the entire claimed combination of elements of each of the amended independent claims 1 and 7. As such, the Applicants submit that each of the amended independent claims 1 and 7 is not obvious under 35 U.S.C. § 103(a) over *Scala* in view of *Levitan*.

Given that the previously-pending dependent claim 3 depends from the amended independent claim 1, it necessarily includes all the elements of the amended independent claim 1. Since the Applicants submit that the combination of *Scala* and *Levitan* does not teach or suggest all of the claimed combination of elements of the amended independent claim 1, the Applicants further submit that the combination of *Scala* and *Levitan* also fails to teach or suggest all of the claimed combination of elements of the previously-pending dependent claim 3. The Applicants therefore submit that the previously-pending dependent claim 3 is not obvious under 35 U.S.C. § 103(a) over *Scala* in view of *Levitan*.

B. Response to § 103 Rejection of Claim 2

The Office rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Scala* in view of *Levitan*, and further in view of U.S. Patent No. 7,167,875 issued to Brown et al. ("*Brown*"). To this end, the Office contended that the combination of *Scala*, *Levitan* and *Brown* teaches all of or the entire claimed combination of elements of the previously-pending dependent claim 2.

With respect to the rejection, the Office stated that the combination of *Scala* and *Levitan* teaches the claimed combination of elements of the previously-pending independent claim 1, from which the previously-pending dependent claim 2 depends. The Office, however, conceded that the combination of *Scala* and *Levitan* does not teach or suggest the subject matter of the previously-pending dependent claim 2. The Office, however, stated:

"[i]n an analogous art Brown teaches, wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source (Col 6: lines 17-24).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Scala and Levitan to include wherein at least one content page in the series of content pages includes programming code directing the player to the on-line content source, as taught by Brown, for the advantage of providing an identified destination of a specific source where particular information can be found, simplifying and making the information retrieval process quicker and efficient." *Office Action*, at pp. 13-14

In view of the assertions of the Office, the Applicants also note that the Office only cited *Brown* with respect to the subject matter claimed in the previously-pending dependent claim 2. The Applicants further note that the Office did not rely on *Brown* to (and further submit that *Brown* does not) disclose, teach and/or suggest the claimed combination of elements of the previously-pending independent claim 1.

The Applicants submit that, as discussed above, the combination of *Scala* and *Levitan* does not teach or suggest all of or the entire claimed combination of elements of the amended independent claim 1. The Applicants further submit that *Brown* does not teach or suggest any of or the entire claimed combination of elements of the amended independent claim 1.

Given that the previously-pending dependent claim 2 depends from the amended independent claim 1, it necessarily includes all the elements of the amended independent claim 1. Since the Applicants submit the combination of *Scala*, *Levitan* and *Brown* does not teach or suggest all of or the entire claimed combination of elements of the amended independent claim 1, the Applicants further submit that the combination of *Scala*, *Levitan* and *Brown* also fails to teach or suggest all of or the entire claimed combination of elements of the previously-pending dependent claim 2. The Applicants therefore submit that the previously-pending dependent claim 2 is not obvious under 35 U.S.C. § 103(a) over *Scala* in view of *Levitan* and further in view of *Brown*.

C. Response to § 103 Rejection of Claims 4-6

The Office rejected claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,792,615 issued to Rowe et al. ("*Rowe*"), in view of *Scala*, in further view of *Levitan*, and in yet further view of U.S. Patent Publication

No. 2002/0002580 to Nurick ("*Nurick*"). To this end, the Office contended that the combination of *Rowe, Scala, Levitan* and *Nurick* teaches all of or the entire claimed combination of elements of the previously-pending independent claim 4 and each of the previously-pending dependent claims 5-6 thereof.

With respect to the previously-pending independent claim 4, the Office cited to *Scala* for the proposition that it discloses, teaches and/or suggests the claimed combination of elements *a second user, unaffiliated with the first user; creating a series of content pages using at least one first graphical user interface; delivering the series of content pages via network to a plurality of players; scheduling broadcast of the series of content pages; and broadcasting the series of content pages as a video signal over the plurality of channels.* The Office cited to *Levitan* for the proposition that it discloses, teaches and/or suggests the claimed combination of elements *at the time of the scheduled broadcast of the series of content pages, automatically using at least one of the plurality of players to automatically fetch the alert via the internet from the on-line content source affiliated with the user.* The Applicants note that the Office did not cite *Rowe* and/or *Nurick* to teach the claimed combinations of elements taught by either *Scala* or *Levitan*.

With respect to the Office's contentions regarding the teachings of *Scala* and *Levitan*, the Applicants incorporate by reference herein the discussion from under the heading of "Response to § 103(a) Rejection of Claims 1, 3, and 7." Pursuant to the incorporation and the reasons discussed therein, the Applicants submit that *Scala* and *Levitan*, alone or combined, fail to disclose, teach and/or suggest the claimed combination of elements of the amended independent claim 4, including *(i) a second user, unaffiliated with the first user, creating a series of content pages using at least one first graphical user interface, ... wherein the series of content pages comprises content to be played by the plurality of players to the plurality of channels for delivery to viewers, (ii) at the time of the scheduled broadcast of the series of content pages, automatically using at least one of the plurality of players to automatically fetch the alert via the internet from the on-line content source affiliated with the user; and (iii) playing at the plurality of players to the plurality of channel, the series of content pages, including the alert*. Moreover, the Applicants submit that both *Rowe* and *Nurick* are completely silent with respect to disclosing, teaching and/or suggesting such claimed combination of elements.

In light of the foregoing, the Applicants submit that the combination of *Rowe, Scala, Levitan* and *Nurick* fails to disclose, teach and/or suggest at least one of and the entire claimed combination of elements of the amended independent claim 4. As such, the Applicants submit that the amended independent claim 4 is not obvious under 35 U.S.C. § 103(a) over *Rowe* in view of *Scala, Levitan and Nurick*.

Given that each of the previously-pending dependent claims 5-6 depends from the amended independent claim 4, they necessarily include all the elements of the amended independent claim 4. Since the Applicants submit that the combination of *Rowe, Scala, Levitan* and *Nurick* does not teach or suggest all of the claimed combination of elements of the amended independent claim 4, the Applicants further submit that the combination of *Rowe, Scala, Levitan* and *Nurick* also fails to teach or suggest all the claimed combination of elements of the previously-pending dependent claims 5-6. The Applicants therefore submit that each of the previously-pending dependent claims 5-6 is not obvious under 35 U.S.C. § 103(a) over *Rowe* in view of *Scala, Levitan and Nurick*.

D. Response to § 103 Rejection of Claim 8

The Office rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over *Rowe,* in view of *Scala,* in view of *Levitan,* in view of *Nurick,* and further in view of U.S. Patent Publication No. 2002/0035731 to Plotnick et al. ("*Plotnick*"). To this end, the Office contended that the combination of *Rowe, Scala, Levitan, Nurick* and *Plotnick* teaches all of or the entire claimed combination of elements of the previously-pending independent claim 8.

The Office cited to *Scala* for the proposition that it discloses, teaches and/or suggests the claimed combination of elements *at least one second graphical user interface for creating a series of content pages, wherein the at least second graphical user interface is associated with at least one second user, wherein the at least one first and at least one second users are unaffiliated, a second network interface for delivering the content pages over the network to a plurality of players at the plurality of channels; a scheduler for scheduling the broadcast of the series of content pages and the plurality of channels for broadcasting the series of content pages as a video signal.* The Office cited to *Levitan* for the proposition that it discloses, teaches and/or suggests the claimed combination of elements *fetching, at the time of the scheduled broadcast of the series of content pages, the alert via the*

internet from the on-line content source, wherein the alert is automatically fetched. The Applicants note that the Office did not cite *Rowe, Nurick* and/or *Plotnick* to teach the claimed combinations of elements taught by either *Scala* or *Levitan*.

With respect to the Office's contentions regarding the teaching of *Scala* and *Levitan*, the Applicants incorporate by reference herein the discussion from under the heading of "Response to § 103(a) Rejection of Claims 1, 3, and 7." Pursuant to the incorporation and the reasons discussed therein, the Applicants submit that *Scala* and *Levitan*, alone or combined, fail to disclose, teach and/or suggest the claimed combination of elements of the amended independent claim 8, including *(i) the at least one graphical user interface being operable to create a series of content pages, wherein at least a portion of at least one content page of the series of content pages comprises updatable content that is updatable at a time after creation of the at least one content page of the series of content pages, and wherein the series of content pages comprises content to be played by the player at a cable headend; and (ii) the plurality of players being operable to (a) automatically fetch, at the time of the scheduled broadcast of the series of content pages, the alert via the internet from the on-line content source, and (b) play, to the plurality of channels, the series of content pages, including the alert,* Moreover, the Applicants submit that *Rowe, Nurick* and *Plotnick* are completely silent with respect to disclosing, teaching and/or suggesting such claimed combination of elements.

In light of the foregoing, the Applicants submit that the combination of the combination of *Rowe, Scala, Levitan, Nurick* and *Plotnick* fails to disclose, teach and/or suggest at least one of and the entire claimed combination of elements of the amended independent claim 8. As such, the Applicants submit that the amended independent claim 8 is not obvious under 35 U.S.C. § 103(a) over *Rowe* in view of *Scala, Levitan, Nurick and Plotnick*.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are unpatentable under the provisions of 35 U.S.C. §§ 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732-978-4899 or the office of the undersigned attorney at 732-935-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,
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